

RECEIVED  
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Exhibit No. 81  
Zoning Ordinance Rewrite  
PH Dates: 6/16 & 6/30/08

August 4, 2008

2008 AUG -4 PM 4:34

Mayor & Council  
City of Rockville

Re: 219 Fredrick Ave, Rockville, MD 20850

Routed To:

☒ Council

☐ City Clerk

☒ City Manager

☐ City Attorney

☐ Council Support Specialist

☒ Other Susan Swift

Jim Wasilak  
Dean Melland

Dear Mrs. Mayor & Council:

In the recent effort to redefine the zoning ordinance and standards of the City of Rockville, I made a presentation with regard to my site at the aforementioned address. I am following up with my oral testimony with this document and an attached sketch for your review and consideration.

My property as indicated is located at 219 Frederick Ave in the Lincoln Park Subdivision. The area is currently zoned R-60, and its mainly consist of lots up to 10,000 sf or less. In the Area where my property is, the City is proposing to zone a block of land to RMD-25 to encompass existing multi-family units. These multi-family units adjoin my site and that is where the zoning division line is being proposed.

I submit to you the following:

- The new zone being introduced RMD-25 covers lots and properties that are not only multi-family, but it extends over a duplex unit "semi-detached" at the intersection of Fredrick Ave. & Lenmore Ave. known as 723 Lenmore Ave. and a single family dwelling located at 217 Fredrick Ave.
- It is incompatible to have multi-family units next to single family dwelling units. Typically, a transition zone is introduced in between the two zones to alleviate the discrepancies between uses.

THEREFORE, I respectfully ask that my site be rezoned R-40 that is a zone that would permit constructing units other than single family, i.e., semi-detached is permitted in this zone. This type of construction would act as a gradual transition between the existing multi-family units and the existing single family units in the neighborhood. Additionally, the site is quite different than the existing single family lots in the subdivision. It has two lots, extra road frontage, 100', and significantly larger lot size, over half acres, approximately 22,500 sf, that allows the creation of semi-detached units with most of the zoning standards being met. I have compiled a sketch for your review which reflects the proposition of four units onto four separate lots.

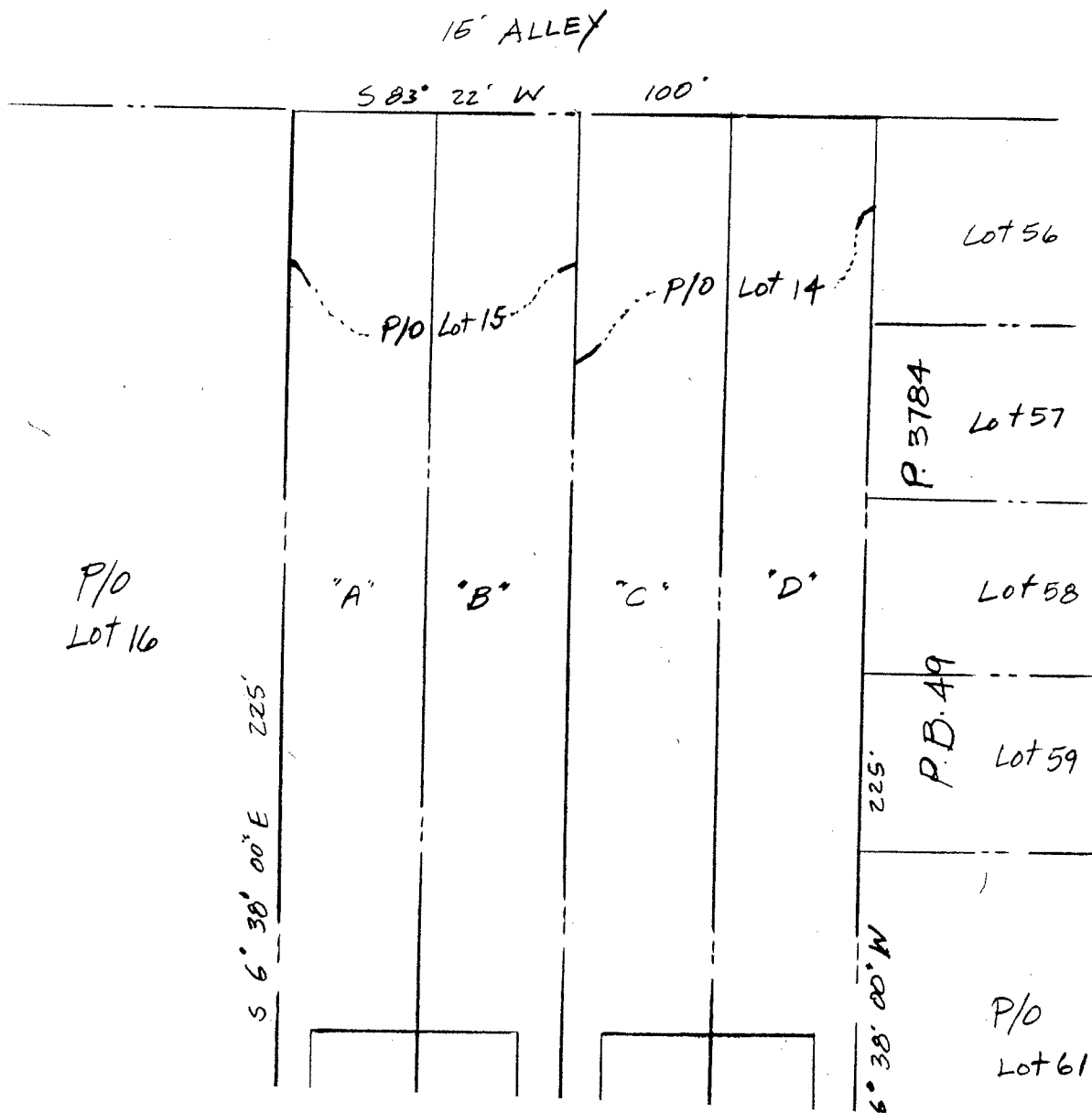
I appreciate your consideration into this matter and look forward to your decision.

Cordially yours,

Prosper Osei-Wusu  
Prosper Osei-Wusu

NOTES:

1. This plat is not intended for use in the establishment of property lines, but prepared for the exclusive use of the present property owners; of record and/or those who purchase, mortgage, or guarantee the title thereto within six months from the date hereof, and as to then I warrant this house location survey.
2. For title purposes only.
3. No title report furnished at this time, subject to all easements and rights of way of record.
4. Property corners have not been set with this survey. Property information was taken from best available records.
5. This location plat is not to be used for the construction of fences or other improvements. A boundary survey and lot stakeout would have to be performed to determine the location of all property lines as shown.
6. The property shown hereon is located within ZONE ----- as shown on F.E.M.A. Flood Insurance Rate Map Community Panel No. 2400510001B of M.C. Co., Maryland.



**Testimony for Rockville Volunteer Fire Department**  
*for*  
**City of Rockville Planning Commission**  
1/30/2008

There are three main issues that could affect Fire Department located at 380 Hungerford Drive we would like the Planning Commission to consider during the zoning process.

1. We respectfully request that the Fire Department be recognized as an essential service that requires a specialty use building. As such, the building and property should be exempt from any zoning regulation that interferes with the operation of the department or jeopardizes the safety of motorists, pedestrians or fire department staff who are on the property or in the immediate vicinity of the property. This exemption should include the use of temporary structures that will be necessary during our renovation period. There is no useful purpose for the City staff and fire department volunteers to spend a great deal of time and money to try to make the fire department fit into a commercial/residential mixed use zone. We are totally different than a commercial venture.
2. We respectfully request that the new sign ordinance allow the fire department to have a changeable letter sign. The current code only allows these signs on publicly owned property. This type of sign is used all over Montgomery County and indeed the country as a useful public information tool.
3. We request that the fire department be consulted early stages of a development plan concerning any traffic controls or road redesign in the vicinity of the fire department so we may comment on any potential issues that affect our ability to safely respond or gain access to major running routes.

Thank you for your consideration.

**Routed To:**

☒ Council  
☐ City Clerk  
☒ City Manager

☐ City Attorney  
☐ Council Support Specialist  
☒ Other Susan Swift  
Jim Wasilak  
Dean Mellander



Christina Ginsberg  
<twinbrookpres@yahoo.com>

08/04/2008 04:48 PM

To MayorCouncil City <mayorcouncil@rockvillemd.gov>

cc JudyMiller TCAExec <djones4747@aol.com>

bcc

Subject TCA's Comments on Rorzor - pasted and attached

## Twinbrook Citizens Association

"You can make a difference in your community"

P.O. Box 834

Rockville, Maryland 20851

August 4, 2008

To:

The Honorable Susan R. Hoffmann, Mayor  
And the Members of the Rockville City Council  
City of Rockville  
Rockville City Hall  
111 Maryland Avenue  
Rockville, Maryland 20850

Routed To:

☒ Council

☐ City Clerk

☒ City Manager

☐ City Attorney

☐ Council Support Specialist

☒ Other Susan Swift

Jim Wasdale  
Dean Melland

RE: the Zoning Ordinance Revision

Dear Mayor Hoffmann and Members of the City Council,

The Twinbrook Citizens Association submits these comments for inclusion in the public record regarding the proposed Zoning Ordinance Revision.

As a prefatory comment, I would again bring to your notice that it is extremely difficult for the average taxpayer, resident, or homeowner in the City of Rockville to read, understand or interpret the proposed Zoning Ordinance Revision itself, in its language and in its complexity of structure, and it is also difficult for the average taxpayer, resident or homeowner in the City of Rockville to visualize what these changes in the proposed Zoning Ordinance Revision will mean in relation to specific properties, not only what it will do to change the fundamental character of the City of Rockville. This alone accounts for the dearth of public comment FROM THE PUBLIC on the proposed changes that will affect our "public" landscapes that are to be ruled by the proposed commercial, industrial and mixed use zones. These zones by definition are publicly accessible and designed for public use, yet the public has not yet weighed in on whether the proposed Zoning Ordinance Revision satisfies the public's (not the developers, owners, or planning departments) definition of what will constitute acceptable community-accessible space.

Futhermore, it is difficult for the public to comment on the changes proposed in the City Council's worksessions by the Mayor and Council without having a written document in hand reflecting those "changes by consensus" that have been adapted and uploaded into the Zoning Ordinance Revision by

the City Staff. The public comments received so far by you and by the Planning Commission have not been subjected to a 360° review by all stakeholders that would provide a check and balance on the hyperbole that some of these comments contain, especially in regard to certain commercial properties with aspirations to hyperdensity far in excess of what can be accommodated by our current infrastructure as addressed by our Adequate Public Facilities Ordinance.

## **SPECIFIC TOPICS OF CONCERN:**

### **WILL THE ADEQUATE PUBLIC FACILITIES ORDINANCE STILL BE OBSERVED?**

The short answer, we believe, is ***no*** ! It is a consistent action of all the various planning entities in the City of Rockville, including RORZOR, the Twinbrook Neighborhood Plan Advisory Group, and the recent Rockville Pike plan charrette-driven process, to ignore public facilities impacts, especially traffic impacts, when considering zoning changes. This is in direct contravention of sound planning practices. Numerous requests by member of these groups to see traffic impact analyses, studies or projections have been denied or ignored. The recent approval by the Planning Commission of the Duball project (the twin towers proposed for the parking lot in front of the Regal cinemas) elucidated the information that the traffic impact from *this project alone* will effectively gridlock all of Town Center. Yet we proceed with approving more density in Town Center II, such as the Beall's Grant project, without appropriate traffic studies, and the Beall's Grant project is minor compared to what will be built on the Town Center II and III sections.

Public facilities include more than roads for cars. It also includes schools for children, capacity on public transit, capacity to *access* public transit and other public facilities, police and fire station support, parks, green space, and recreational space, and even "private" facilities used by the public, such as gas stations, grocery stores, service industries and health care facilities.

It is a continuing theme by planners of whatever allegiance that the mixed use buildings that will be facilitated by the new mixed use zones in Rockville will not "generate" children. We disagree every time we see the special school bus for Richard Montgomery High School pull up in front of the Fitzgerald condos/apartment building on Hungerford Road.

There are no effective processes in place to supply adequate public facilities should ALL of the areas covered by the new mixed use zones be built out. The Zoning Ordinance Revision basically PRE-APPROVES the new zoning for all these areas and forces the city into a posture of "downzoning" individual applications on a case by case basis relevant to APFO considerations. As with the Duball property, this is on practical terms impossible to implement and could be subject to political influence. Wouldn't it be better to do a COMPREHENSIVE study of the City's APFO obligations and adjust the zoning so that each property owner has an equal chance to build out in accordance with the carrying capacity of the City's infrastructure? In the case of Rockville Pike, this would result less in a megalopolis along Rockville Pike as would currently be facilitated by the new mixed use zoning. An analysis of the carrying capacity of Rockville Pike (in a greater ecological sense) might result in a zone of six story buildings all in compliance with APFO limitations rather than a zone of intermittent 12 story buildings.

It is unlikely that the County will decide to build a ring of public facilities outside the Rockville City limits to support our hyperdevelopment when it is the avowed responsibility of the elected officials of the City of Rockville to provide oversight and accountability for adequate public facilities. (In a reciprocal fashion, the City should be aggressively questioning the County's zoning decisions outside City limits).

Moreover, the act of upzoning itself increases the difficulty of collecting enough land to provide public facilities. For example, the cost of providing a firehouse is vested in a) the cost of creating the physical structure and contents (an invariable cost) and b) the cost of the land upon which the structure sits. This cost is VARIABLE – it is vested in the assessed cost of the land. When we acquire land for public facilities, even using the tool of eminent domain, we pay fair market value for the land. With the current rezoning, the fair market value for ALL the land being rezoned will increase. Thus, while we may have been able to acquire land at a value of “X” before rezoning, the value of land under the new mixed use zones will be many times “X”, making land prohibitively expensive to acquire. This is especially detrimental to plans to acquire land for public open space or parks, AND it incentivizes developers to buy out with money payments rather than give up land. In short, first we increase the value of the land, then we can’t afford to buy it back for public use. In nearly every large land deal in Montgomery County (King Farm, Crown Farm), the PDP process encompassed compromises that guaranteed land for public amenities, notably the land set aside for a future school in Crown Farm and for the park in King Farm. This leverage is entirely lost in the piecemeal process embodied by our rezoning effort.

There is also a significant loophole in the planning process that allows development to proceed guided by “market forces” as a surrogate for community need. The example that is continually cited is that we have no hardware store in Rockville. Some stores, such as gas stations, grocery stores, etc., are vital to the community and constitute virtual public facilities – YET NO ONE WANTS TO BUILD THEM because they do not yield as high a rate of return as other commercial ventures. As long as there is no process in place, and the Planning Commission does not embrace the task of acting for the benefit of the community, we will continue to lack a mixture of necessary retail entities. Town Center, a mixed use development with hundreds of apartments as well as commercial offices and retail, still lacks its supermarket, so too does Twinbrook Station which has yet to sign an agreement of intent with any supermarket chain, yet what do these paradigms lack that Harris Teeter is under a 12 story apartment building at White Flint, and Whole Foods is in the process of also relocating to White Flint? Under the continual “market forces” argument employed by the developers, we will never know. Let us note that in some cases (and you can look at the WANADA testimony exhibit No. 58) it will be difficult for businesses necessary to the general welfare to exist.

### **MIXED USE MANIA?**

We endorse the analysis submitted by William Neil, formerly Twinbrook Citizens Association Land Use Chair, currently elected Member-at-Large West (Exhibit No. 49, 51). One has only to look at Town Center with approximately 70% unoccupied residential space, the Midtown Condos, or even King Farm Town Center, to see that there is something wrong with the mixed use paradigm, and to contend that using ONLY mixed use zoning is risky. Furthermore, it is unclear that given the unspecified nature of mixed use zoning, that the City might NOT receive the “walkable, bikeable” communities envisioned IF developers exercise the permitted option to have NO residential units, especially in the MXTD zones.

### **MIXED USE ZONES - FLOATING FREE?**

The RORZOR COMMITTEE tried to map the new zones to the Rockville zoning map in an appropriate fashion. It is clear however, from numerous Exhibits submitted by various developers and developers’ lawyers, that the expectation is that the new zones (especially mixed use zones) will be able to be used in applications to rezone individual properties regardless of the overall “master

plan” implied by the new zoning map under consideration. Thus, the expectation that the zones can “float” all over the city, by application.

We suggest that in cases where the new zones have been applied and accepted by the property owners, that there be a moratorium for a reasonable period of time (say five years) before applications to change the new zoning can be considered by the City. In short – we do not want to see every property owner on Rockville Pike apply sequentially for MXTD zoning (the densest of the new MX zones).

### **MAXIMUM BLOCK SIZE or FORTRESS ROCKVILLE?**

The Exhibit (No. ?) submitted by JBG with regard to its property on the “Scan furniture site” ie the city block across Chapman Avenue from JBG’s Twinbrook Station (aka Twinbrook Commons) development, is a fine example a) of the increase in density (calculated by volume or FAR, not height) permitted by the new mixed use zones, and b) of the likelihood that in order to maximize density, unanticipated structures of excessive size will be built. We have already seen the “fortress” style with regard to the proposed Twinbrook Gables development farther north on Rockville Pike, with curb to curb parking, interior courtyards that are not publicly accessible, and “green” space that is not publicly accessible.

In instances where the property is large, as for example the property comprising Congressional North, it is conceivable that a single building could cover the entire property. Although such property might be broken up internally, it is conceivable that no public streets would span the property, so to the public the property would be impenetrable. The Rockville City Council banned “Big Box” stores, yet without a maximum block size, we could see “Big Block” developments that effectively shut down the “walkable, bikeable” paradigm by creating monolithic structures.

### **SELLING CELL TOWERS?**

We reject VEHEMENTLY the argument put forth by the Montgomery County School System (Exhibit No. 13) as well as by numerous developers, that the height limitation of 50 feet for cell towers (that currently triggers special review protocols) be dropped. We request that you RETAIN the current regulations on cell towers.

Note that we are not making an argument against all cell towers but we wish to retain the right of the citizens to question the appropriateness of their placement in specific instances.

### **MANSIONIZATION or MINATURIZATION?**

We endorse with enthusiasm the letter submitted by the Potomac Woods Civic Association (Exhibit No 31), on all points. We have spoken numerous times on the record against the “mansionization” regulations which embody economic redlining against the private homeowners, especially on the east side of the City. We are pleased to see that at least part of the west side of the City recognizes that “mansionization” as defined in the Zoning Ordinance Revision constitutes an infringement on private property rights and has significant economic consequences.

### **LOSS OF THE C-ZONE**

Why are there no more non-mixed use commercial zones left in the zoning ordinance?

### **LACK OF ENVIRONMENTAL SAFEGUARDS?**

This concern has been referenced in a number of public comments. Where new zones are empowered, especially mixed use zones, the argument for increasing the functional density is that “walkable, bikeable” communities IN THEIR OWN RIGHT constitute an “ecologically responsible” improvement over current systems of development. When European examples are cited, I can only reply that in Europe, density has been enforced for thousands of years by a society-wide poverty that mandated adaptive reuse of buildings and public facilities. Since World War II, the economic rationale for such a conservative approach has been further encouraged by stiff taxes on gasoline and other energy sources, such taxes being applied to public infrastructure such as railroads, subway systems and other public transit, pedestrian zones, and the subsidized historic preservation of even private homes, let alone the considerable architectural treasures of European heritage. “Green” regulations are so embedded in European regulatory codes that initiatives such as in-building greywater recycling, eco-friendly materials, green roofs, hybrid vehicles, solar and other ecologically sensitive power systems, etc., have been in effect for 40 years.

By contrast, the proposed Zoning Ordinance Revision is SILENT on all these topics, so the net effect is to allow density and ONLY density as the chief “greening” agent of Rockville.

Other cities, notably Los Angeles, have incorporated at least the minimally stringent LEED standards in their ordinances. The mixed use zones should not be enabled unless “green” building standards are also enabled (Exhibit No 26).

#### **NOTICE ANYTHING?**

In line after line, the Planning Commission has removed the requirement for PUBLIC NOTICE of meetings, actions etc? Why? Section 25.07.xx, which is intended to provide for maximum public participation in the zoning process, seems to be gutted! See example section 25.07.05.12.

#### **AND/OR?**

And so many little changes – “and” to “or” make it virtually impossible for citizens to show proof of any impact! See section 25.07.01.a.3 “Required Findings”.

#### **FURTHER ENDORSEMENTS:**

Exhibit No. 1: from Max Van Balgooy - Endorsed in full

Exhibit No. 2: from Rich Redlar - Endorsed in full

Exhibit No. ? Not logged: from Miller, Miller & Canby – Rejected (Expansion of the MXTD Zone) received June 27, 2008

Exhibit No. 3: from Marianne and Arthur Hamlin – No comment

Exhibit No. 4: from Max Van Balgooy – Endorsed in full

Exhibit No. 5: from Thomas Doerr on behalf of the RBAC – Endorsed in full

Exhibit No. 6: from Jacquie Kubin – Endorsed

Exhibit No. 7: from Miller, Miller & Canby – Rejected (Softening of standards for certain uses)

Exhibit No. 8: from Holland and Knight on behalf of Yale Village – No response at this time

Exhibit No. 9: from Holland and Knight/William Kominers, general comments – No response at this time

Exhibit No. 10: from Holland and Knight/Patricia Harris, general comments – No response at this time

Exhibit No. 11: from the National Lutheran Home – No response at this time

Exhibit No. 12: from Combined Properties – Rejected (College Gardens should stay MXNC)



Exhibit No. 13: from MCPS – Rejected  
Exhibit No. 14: from Learch, Early & Brewer on behalf of Niemeyer trail LLC – No comment  
Exhibit No. 15: from Donohoe – No response at this time  
Exhibit No. 16: from Woodley Gardens Civic Association – Endorsed in full  
Exhibit No. 17: from 18 West Mont. Ave (Burbanks) – Request review and accommodation  
Exhibit No. 18: from 219 Frederick Ave – No comment  
Exhibit No. 19: from Michel Callahan – No response at this time  
Exhibit No. 20: from 110 North Washington St – No response at this time  
Exhibit No. 21: from Fordham Development Co re Wintergreen – No response at this time  
Exhibit No. 22: from Thomas Doerr – Endorsed in full  
Exhibit No. 23: from HBBAT – Endorsed in full  
Exhibit No. 24: from Stanley A. Klein – Endorsed in full  
Exhibit No. 25: from Montgomery College – No response at this time  
Exhibit No. 26: from Christina Ginsberg – LA green building regulations – Endorsed in full  
Exhibit No. 27: from Drew Powell – Endorsed in full  
Exhibit No. 28: from PR&B – No response at this time  
Exhibit No. 29: from Max Van Balgooy – Requires further study  
Exhibit No. 30: from Anne Marie Vassalo – Endorsed in full  
Exhibit No. 31: from Potomac Woods Citizens Association – Endorsed in full  
Exhibit No. 32: from the Office of the County Executive – No comment  
Exhibit No. 33: from Robert Reiver – No comment  
Exhibit No. 34: from the MC BoEd – No comment  
Exhibit No. 35: from Joseph Bradley – No comment  
Exhibit No. 36: from Shulman Rogers general comments – No response at this time  
Exhibit No. 37: from Miller, Miller & Canby (Is this a second insertion?)  
Exhibit No. 38: from Combined Properties re College Plaza– No response at this time  
Exhibit No. 39: [Missing from packet]  
Exhibit No. 40: from John Wooditch re truck parking – Endorsed in full  
Exhibit No. 41: from John McKee – Endorsed in full  
Exhibit No. 42: from Holland & Knight re Shellhorn – No response at this time  
Exhibit No. 43: from David & Karen Modell – No response at this time  
Exhibit No. 44: from Jeff Zyontz – No response at this time  
Exhibit No. 45: from Virginia Quesada – Endorsed in full  
Exhibit No. 46: from Montgomery College – No response at this time  
Exhibit No. 47: from Stanley Klein – Endorsed in full  
Exhibit No. 48: from Peerless Rockville – Needs review  
Exhibit No. 49: from William R. Neil – Endorsed in full  
Exhibit No. 50: from Marc Shepard – No response at this time  
Exhibit No. 51: from William R. Neil (Duplicate of Exhibit No. 49?)  
Exhibit No. 52: from Jacquie Kubin – Endorsed in full  
Exhibit No. 53: from Jacquie Kubin – Endorsed  
Exhibit No. 54: from Thomas Doerr – Endorsed in full  
Exhibit No. 55: from Holland and Knight re 255 Rockville Pike – No response at this time  
Exhibit No. 56: from Maryvale Shopping Center – Endorsed in full  
Exhibit No. 57: from Peter Mork – Problematic

Exhibit No. 58: from WANADA – Needs review

Exhibit No. 59: from Holland and Knight, RA LLC, Donohoe – No response at this time

Exhibit No. 60: from Holland and Knight re Shellhorn – No response at this time

Exhibit No. 61: from Holland and Knight re Tower Oaks – No response at this time

Note that there are many applications from development lawyers with respect to their specific clients requesting special changes to the proposed Zoning Ordinance Revision that have implications far beyond their specific properties. It is VIRTUALLY IMPOSSIBLE for the average citizen to decipher and comment on the issues raised by these exhibits.

### **SPECIFIC TOPICS OF CONCERN WITH REGARD TO THE TWINBROOK PLAN – REZONING of COMMERCIAL AREAS WITHIN TWINBROOK WITHOUT COMMUNITY INPUT:**

The intention of the RORZOR committee (on which Mayor Hoffman and Councilman Britton served) was to provide transitional zones between single family neighborhoods and the new mixed use zones. The least intrusive of these zones, MXT, has been applied mostly around the edge of the West End neighborhood – we question WHY one of the densest of the mixed use zones, MXCD, is being applied in a similar transitional zone in Twinbrook. The argument that this is consistent with the Twinbrook Station (aka Twinbrook Commons) PD is unwarranted since that PD was specifically designed to step down to four stories next to the Twinbrook neighborhood. Nor is an amended MXNC with increased heights appropriate on the commercial strips on Veirs Mill for the same reason.

This is especially unwelcome since we contend that at least one of the Planning Commission members violated conflict of interest ethics with regards to the commercial activity on the Taylor property that abuts her personal residence, and at least one and possibly more of the Planning Commission members are also in jeopardy with regard to conflict of interest in that discussion of mechanisms to abolish Mr. Taylor's grandfathered business on an R-60 lot. Such mechanisms would possibly also be able to apply to other R-60 properties whether or not they contain grandfathered businesses (such as the Maryvale Market whose zoning the Planning Commission is also recommending to change to R-60, a functional downzoning that would place the owners of Maryvale Market in the same legal limbo as the Taylor business, as well as the Stonestreet Market). The Taylor property is catty-corner to the properties north of Halpine for which the Planning Commission is recommending a substantial and unwarranted upzoning.

We also reject the Planning Commissions decision to INCREASE heights at the Twinbrook Shopping Center, which the RORZOR committee designated as MXNC. The upper height limit in this zone is currently either 45 or 50 feet (the Mayor and Council documents, as they are not completed are not clear). The Planning Commission makes these recommendations AGAINST the specific wishes of the surrounding community. The TCA's public comment of October 10, 2007, specifies that the Twinbrook Mart and Twinbrook Shopping Center be limited to 35 feet (ground floor retail plus two upper stories) with limited residential as well as a neighborhood-sensitive usage along McAuliffe Drive. The Twinbrook Neighborhood Plan has the authority to conditionally limit zoning permissions – the conditions which the TCA specified probably do not represent a downzoning of the property owners' density allowed under the current City zoning. The Planning Commission has arbitrarily recommended a density far in excess of current zoning and even far in

excess of the significant upzoning accomplished by the application of the base requirements of MXNC recommended by the RORZOR committee.

Futhermore, we note that in at least two instances, the Maryvale Market and the Stonestreet Market, the Planning Commission has recommended changing zoning recommended by the RORZOR committee as MXNC or C to R-60, a significant downzoning from the current C-1 zoning. This was done without notification to either the property owners or the affected neighborhoods as represented by their neighborhood associations until the East Rockville Civic Association questioned the change.

While we do not recommend at this time that a similar downzoning to R-60 be applied to the Twinbrook Mart and Twinbrook Shopping Centers, we do ask WHY this zoning was applied in two instances in East Rockville and Lincoln Park without community notice when our community's request for an eminently reasonable zoning density consistent with the density of the surrounding neighborhood was denied. **We request specifically that the City Council reject the Planning Commissions upzoning of commercial properties in Twinbrook, and we also request that they investigate WHY R-60 zoning was applied without public input on the Maryvale and Stonestreet Market properties.**

We also request, on behalf of our sister neighborhood, Woodley Gardens Civic Association, that you honor THEIR request that you review the MXNC zoning on the Woodley Gardens Shopping Center property for compatibility with their neighborhood character (Exhibit No. 16). While we in Twinbrook can address our concerns via our Neighborhood Plan process (in spite of the Planning Commission's reckless disregard for our neighborhood concerns, an error which we hope will be rectified when the Twinbrook Neighborhood Plan comes before the Mayor and Council this fall), there is no process in play for Woodley Gardens or for many other affected neighborhoods.

## **GENERAL COMMENTS ON THE ZONING ORDINANCE REVISION**

Please note that members of the Twinbrook Citizens Association Executive Committee have commented both as individuals and as officers and committee chairs of the Association.

In observing this process, it is clear that significant changes have been made from the original draft as prepared by the RORZOR committee, in many cases microchanges of a word or phrase that have significant implications. The citizens in general are patently unaware of these changes and have not been able to respond. The citizens need sufficient time to study and address these accumulated changes.

Since the council does not intend to vote until September 8<sup>th</sup>, there is no reason to close public comment as of tonight, August 4<sup>th</sup>, 2008. Instead, we request that the public comment be left open through the month of August. In addition, we request that a hard copy incorporating all of the changes requested of Staff by the Mayor and Council in its worksessions be made available to the public as soon as possible, and that a further public hearing be held in reference to those changes.

Since is this first zoning revision for more than 20 years, it is not in the best interests of the citizens to rush these changes. It is only prudent that these changes be given the serious consideration and review that they merit.

Sincerely,

Christina Y. Ginsberg

President

Twinbrook Citizens Association

for the Executive Committee of the Twinbrook Citizens Association

[twinbrookpres@yahoo.com](mailto:twinbrookpres@yahoo.com)

301-762-8368



TCA\$R0RZ0RCOMMENT08042008.doc



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August 4, 2008

Routed To:

☒ Council

☐ City Clerk

☒ City Manager

☐ City Attorney

☐ Council Support Specialist

☒ Other Susan Swift

Jim Wasilak

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Mayor and Council  
Rockville City Hall  
111 Maryland Avenue  
Rockville, MD 20850

RE: Draft Zoning Ordinance;  
Parking Provisions;  
Revisions to Section 25.16.03.g.1. and Section 25.16.05

Dear Mayor Hoffman and Members of the Council:

I am writing as a follow up to the testimony provided at the Mayor and Council's public hearing on the Draft Zoning Ordinance by Mr. Joey Soleiman, owner of property located at 18-20 West Montgomery Avenue (site of the former Burbank's Restaurant). Mr. Soleiman requested the Mayor and Council's consideration of certain modifications to Section 25.16.05 in order to address the parking situation on his property. As indicated by Mr. Jim Wasilak during one of the Mayor and Council's subsequent worksessions on the Draft Zoning Ordinance, Mr. Soleiman and I had a separate meeting with Mr. Wasilak to discuss potential solutions to the parking situation on the site that would allow Mr. Soleiman to either renovate the existing structure or construct a new structure similar in size to the existing structure, for use as a single-use restaurant in the near future.

At our meeting, we discussed the language proposed by Mr. Soleiman at the Mayor & Council's public hearing, modifying Section 25.16.05 of the Draft Zoning Ordinance to state as follows:

**Section 25.16.05 – Location in Relation to Use Served**

Requirements for the provision of parking facilities in the MXNC, MXTD and MXCD may be satisfied on a separate lot from the use served by a permanent automobile parking structure. An automobile parking structure must be within a ~~500~~ 600 foot walking

distance of the entrance to the use being served to satisfy the parking requirements. The Planning Commission may attach such conditions to the approval of an automobile parking structure as may be reasonable and necessary to assure that it will be consistent with the purpose and intent of this Chapter.

Mr. Wasilak indicated that Staff was generally supportive of the above modifications, but noted that Staff might suggest language in the final adoption draft of the Zoning Ordinance that limits application of this section to MXNC zoned properties located within the Town Center Area (within which the Burbank's site is believed to be located) as opposed to applying to any and all MXNC zoned properties in the City. Also, it was discussed that the exact walking distance to the parking structure may be determined by Staff should be more than the 600 feet proposed by Mr. Soleiman. In addition, Mr. Wasilak pointed out that there are provisions in Section 25.16.03.g.1. that would need to be addressed to correspond to any modifications made to Section 25.16.05.

Mr. Soleiman supports Staff's modifications/suggestions as indicated above.

Thank you for your consideration of these comments.

Sincerely yours,

MILLER, MILLER & CANBY



Soo Lee-Cho

cc: Joey Soleiman



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SLCHO@MMCANBY.COM

August 4, 2008

Mayor and Council  
Rockville City Hall  
111 Maryland Avenue  
Rockville, MD 20850

RE: Draft Zoning Ordinance;  
Parking Provisions;  
Revisions to Section 25.16.03.g.1. and Section 25.16.05

Dear Mayor Hoffman and Members of the Council:

I am writing as a follow up to the testimony provided at the Mayor and Council's public hearing on the Draft Zoning Ordinance by Mr. Joey Soleiman, owner of property located at 18-20 West Montgomery Avenue (site of the former Burbank's Restaurant). Mr. Soleiman requested the Mayor and Council's consideration of certain modifications to Section 25.16.05 in order to address the parking situation on his property. As indicated by Mr. Jim Wasilak during one of the Mayor and Council's subsequent worksessions on the Draft Zoning Ordinance, Mr. Soleiman and I had a separate meeting with Mr. Wasilak to discuss potential solutions to the parking situation on the site that would allow Mr. Soleiman to either renovate the existing structure or construct a new structure similar in size to the existing structure, for use as a single-use restaurant in the near future.

At our meeting, we discussed the language proposed by Mr. Soleiman at the Mayor & Council's public hearing, modifying Section 25.16.05 of the Draft Zoning Ordinance to state as follows:

**Section 25.16.05 – Location in Relation to Use Served**

Requirements for the provision of parking facilities in the MXNC, MXTD and MXCD may be satisfied on a separate lot from the use served by a permanent automobile parking structure. An automobile parking structure must be within a ~~500~~ 600 foot walking

distance of the entrance to the use being served to satisfy the parking requirements. The Planning Commission may attach such conditions to the approval of an automobile parking structure as may be reasonable and necessary to assure that it will be consistent with the purpose and intent of this Chapter.

Mr. Wasilak indicated that Staff was generally supportive of the above modifications, but noted that Staff might suggest language in the final adoption draft of the Zoning Ordinance that limits application of this section to MXNC zoned properties located within the Town Center Area (within which the Burbank's site is believed to be located) as opposed to applying to any and all MXNC zoned properties in the City. Also, it was discussed that the exact walking distance to the parking structure may be determined by Staff should be more than the 600 feet proposed by Mr. Soleiman. In addition, Mr. Wasilak pointed out that there are provisions in Section 25.16.03.g.1. that would need to be addressed to correspond to any modifications made to Section 25.16.05.

Mr. Soleiman supports Staff's modifications/suggestions as indicated above.

Thank you for your consideration of these comments.

Sincerely yours,

MILLER, MILLER & CANBY



Soo Lee-Cho

cc: Joey Soleiman



Exhibit No. 85  
Zoning Ordinance Rewrite  
PH Dates: 6/16 & 6/30/08



DJones4747@aol.com  
08/04/2008 04:50 PM

To JWasilak@rockvillemd.gov  
cc mayorandcouncil@rockvillemd.gov

bcc

Subject Nonprofit Issues in Zoning Ordinance

Routed To:

☒ Council

☐ City Attorney

☐ City Clerk

☐ Council Support Specialist

☒ City Manager

☒ Other Susan Swift

Jim Wasilak  
Dean Mell

Jim,

Hello. I am not sure this applies but looking at the revision of the zoning ordinance I wondered if it was okay for an HOA or community group to have a residential address without a special exception. Small neighborhood associations often have an address of a member for their organization.

If this does apply please have it reflected in the public record that some adjustment needs to be made.

Judy

Looking for a car that's sporty, fun and fits in your budget? [Read reviews on AOL Autos.](#)



Drew Powell  
<drewpowell@verizon.net>

08/04/2008 05:00 PM

To shoffmann@rockvillemd.gov, jbritton@schnader.com,  
pmaruccio@rockvillemd.gov, pgajewski@rockvillemd.gov,  
anner41@hotmail.com  
cc SULLery@rockvillemd.gov, CFunkhouser@rockvillemd.gov,  
ptglasgow@venable.com

bcc

Subject RORZOR Woodley Gardens Shopping Center Testimony

August 4, 2008

Rockville City Hall  
111 Maryland Avenue  
Rockville, MD 20850  
Attn: Mayor and City Council

Re: Woodley Gardens Shopping Center Zoning

Good evening, Mayor Hoffmann, City Councilmembers City Staff, ladies and gentlemen. I am Drew Powell. I reside at 1035 Carnation Drive in Woodley Gardens, Rockville.

I want you to listen carefully:

[10 seconds of silence]

That was the sound of all the residents of Woodley Gardens and the surrounding area that want MXNC zoning for the Woodley Gardens shopping Center. That was the echo of nearby homeowners, who want to stare at a 45 foot/ four story structure in the middle their community of homes and parks. That was the sound of Woodley Gardens merchants, like Carmens Italian Ice, Lezet Turkish Market and Hard Times café, who may not be able to afford higher rents. That was the muffle cry of feed up drivers trying deal with extra congestion or trying to find a parking space in a lot unable to accommodate retail AND two stories of condos or apartments.

In a letter dated June 30, 2008, Jim Reschovsky, President of Woodley Gardens Civic Association Asked this council to consider MXC zoning (30ft) as opposed to MXNC. With MXNC zoning residents of Woodley Gardens would not even have the chance to voice their opinions about a four story structure. The zoning of this property needs to fall under a neighborhood plan with inputs from residents. Not just a rubber stamp on a developer's maxed out design.

For now zone the Woodley Gardens Shopping Center MXC. In the near future include the Woodley Gardens Shopping Center into a neighborhood plan that meets citizen needs.

Thank you. ■

Drew Powell